

**Federal Operating Permit
Article 3**

This permit is based upon Federal Clean Air Act acid rain permitting requirements of Title IV, federal operating permit requirements of Title V; and Chapter 80, Article 3 and Chapter 140 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13,; 10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, 9 VAC 5-80-360 through 9 VAC 5-80-700, and 9 VAC 5-140-10 through 9 VAC 5-140-900 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Virginia Electric and Power Company
Facility Name:	Chesapeake Energy Center
Facility Location:	2701 Vepco Street Chesapeake, Virginia
Registration Number:	60163
Permit Number:	TRO-60163

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Sections I through VIII)
Federally Enforceable Requirements - Title IV Acid Rain (Section IX)
Federally Enforceable Requirements - NO_x Budget Trading Requirements (Section X)
Federally Enforceable Requirements – Clean Air Interstate Rule (CAIR) (Section XI)
State Only Enforceable Requirements (Section XII)

January 1, 2008
Effective Date

December 31, 2012
Expiration Date

Regional Director

Signature Date

Table of Contents, 2-3 pages
Permit Conditions, pages 4-50

Table of Contents

I.	FACILITY INFORMATION.....	4
II.	EMISSION UNITS.....	6
III.	FUEL BURNING EQUIPMENT REQUIREMENTS - (ES-1 - ES14 AND CB1).....	11
A.	LIMITATIONS.....	11
B.	MONITORING	16
C.	RECORDKEEPING	21
D.	TESTING	23
E.	REPORTING	23
IV.	PROCESS EQUIPMENT REQUIREMENTS - (COAL AND FLY ASH HANDLING).....	24
A.	LIMITATIONS.....	24
B.	MONITORING	25
C.	RECORDKEEPING	26
D.	TESTING	26
V.	FACILITY WIDE CONDITIONS.....	27
A.	LIMITATIONS.....	27
VI.	INSIGNIFICANT EMISSION UNITS	29
VII.	PERMIT SHIELD & INAPPLICABLE REQUIREMENTS.....	31
VIII.	GENERAL CONDITIONS.....	33
A.	FEDERAL ENFORCEABILITY	33
B.	PERMIT EXPIRATION.....	33
C.	RECORDKEEPING AND REPORTING	33
D.	ANNUAL COMPLIANCE CERTIFICATION	34
E.	PERMIT DEVIATION REPORTING	35
F.	FAILURE/MALFUNCTION REPORTING	35
G.	SEVERABILITY.....	35
H.	DUTY TO COMPLY	36
I.	NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE	36
J.	PERMIT MODIFICATION	36
K.	PROPERTY RIGHTS	36
L.	DUTY TO SUBMIT INFORMATION	36
M.	DUTY TO PAY PERMIT FEES	36
N.	FUGITIVE DUST EMISSION STANDARDS.....	37
O.	STARTUP, SHUTDOWN, AND MALFUNCTION	37
P.	ALTERNATIVE OPERATING SCENARIOS	37
Q.	INSPECTION AND ENTRY REQUIREMENTS.....	37
R.	REOPENING FOR CAUSE	38
S.	PERMIT AVAILABILITY	38
T.	TRANSFER OF PERMITS	38
U.	MALFUNCTION AS AN AFFIRMATIVE DEFENSE.....	39

V.	PERMIT REVOCATION OR TERMINATION FOR CAUSE	39
W.	DUTY TO SUPPLEMENT OR CORRECT APPLICATION	39
X.	STRATOSPHERIC OZONE PROTECTION	40
Y.	ASBESTOS REQUIREMENTS	40
Z.	ACCIDENTAL RELEASE PREVENTION	40
AA.	CHANGES TO PERMITS FOR EMISSIONS TRADING	40
BB.	EMISSIONS TRADING	40
IX.	TITLE IV (PHASE II ACID RAIN) PERMIT ALLOWANCES AND REQUIREMENTS	41
A.	STATUTORY AND REGULATORY AUTHORITIES	41
B.	SO ₂ ALLOWANCE ALLOCATIONS AND NO _x REQUIREMENTS FOR AFFECTED UNITS	41
C.	ADDITIONAL REQUIREMENTS, NOTES, COMMENTS, AND JUSTIFICATIONS.	45
X.	NO_x BUDGET TRADING PROGRAM REQUIREMENTS.....	45
A.	NO _x BUDGET PERMIT GENERAL CONDITIONS	45
B.	STANDARD REQUIREMENTS	46
C.	RECORDKEEPING AND REPORTING REQUIREMENTS.	48
D.	EMISSION TESTING	49
E.	LIABILITY	49
F.	EFFECT ON OTHER AUTHORITIES.	50
XI.	CLEAN AIR INTERSTATE RULE (CAIR) PERMIT.....	50
XII.	STATE-ONLY ENFORCEABLE REQUIREMENTS	50

I. Facility Information

Permittee Information

Virginia Electric and Power Company
5000 Dominion Boulevard
Glen Allen, Virginia 23060

Responsible Official

O. Preston Sloane
Station Director, Chesapeake Energy Center

Acid Rain Designated Representative (if different than above)

C. D. Holley
Vice President - Fossil & Hydro
USEPA ATS-AAR ID Number 602099

NO_x Budget Trading Authorized Account Representative

C. D. Holley
Vice President - Fossil & Hydro
USEPA AAR ID Number 602099

Facility ID

Chesapeake Energy Center
2701 Vepco Street
Chesapeake, Virginia 23320

Facility Contact Person

Pamela F. Faggert
Vice President & Chief Environmental Officer
(804) 273-3467

AFS Identification Number: 51-550-00026

ORIS Code: 3803

NATS Facility Identification Number: 003803000001

Facility Description (provided for informational purposes only): NAICS Code 221112 – Electrical Power Generation - Fossil. The facility combusts fossil fuels for the generation of electrical power. The facility produces electrical power using four (4) coal-fired steam generators and eight (8) combustion turbines. The four steam generating boilers are also capable of firing No. 2 fuel oil as a primary fuel. Additionally, Units 1 and 2 are capable of firing natural gas while Units 3 and 4 are capable of firing No. 6 fuel oil. Units 3 and 4 are also capable of evaporating boiler solvent cleaning solution. Units 1 and 2 have a close-coupled overfire air system or, on a voluntary basis, a rotating overfire air (ROFA) system to control

NO_x emissions. This system will be replaced by a rotating overfire air (ROFA) system. Units 3 and 4 have selective catalytic reduction (SCR) systems and Unit 3 also has low NO_x burners. The NO_x control equipment on Units 1 through 4 is voluntary and is not required by permit. The facility is operating under an EPA consent decree which requires the use of the SCRs on Units 3 and 4 by January 1, 2013 and the use of PM CEMS on Units 3 and 4 by December 31, 2009.

The eight combustion turbines are each capable of burning either natural gas or distillate fuel oil. The carbon burn-out unit burns coal fly ash generated in the boilers at this facility. In addition, the facility consists of coal and fly ash handling systems.

The facility is a Title V major source of SO₂, NO_x, PM, PM₁₀, CO, HCl and HF. This source is located in an attainment area for all pollutants, and is a PSD major source. The facility was previously permitted under 3 Minor NSR Permits dated 6/18/84, 4/25/95, and 6/29/07, 2 State Operating Permits dated 9/3/96 and 4/1/02, a PSD Permit dated 10/20/98. The current Acid Rain permit expires 12/31/2007 and this permit will replace that permit and add the CAIR application as well.

II. Emission Units

Equipment to be operated consists of the following:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled*	Applicable Permit Date*
Fuel Burning Equipment							
ES-1	EP-1	Unit 1 - Combustion Engineering tangential-fired boiler constructed in 1953 (using close-coupled Overfire air system or ROFA system added on a voluntary basis after the unit was permitted). Fires coal as primary fuel and distillate fuel oil (No. 1 or 2) or natural gas as secondary fuel.	1300 x 10 ⁶ BTU/hour (nominal)	Environmental Elements cold-side electrostatic precipitator	CD-1	PM	10/20/98
ES-2	EP-2	Unit 2 - Combustion Engineering tangential-fired boiler constructed in 1954 (using close-coupled Overfire air system or ROFA system added on a voluntary basis after the unit was permitted). Fires coal as primary fuel and distillate fuel oil (No. 1 or 2) or natural gas as secondary fuel.	1300 x 10 ⁶ BTU/hour (nominal)	Environmental Elements cold-side electrostatic precipitator	CD-2	PM	10/20/98

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled*	Applicable Permit Date*
ES-3	EP-3	Unit 3 - Babcock & Wilcox front wall-fired boiler constructed in 1959 using low NO _x burners (voluntary). Fires coal or heavy oil (No. 6) as primary fuel and distillate fuel oil (No. 1 or 2) as secondary fuel. Evaporates boiler solvent cleaning solution.	1663 x 10 ⁶ BTU/hr (nominal)	(1) American Air Filter cold-side electrostatic precipitator; (2) SCR – voluntary addition after the unit was permitted.	(1) CD-3 (2) CD-3B	(1) PM (2) NO _x	(1) 4/25/95; 4/01/02 (2) N/A
ES-4	EP-4	Unit 4 - Combustion Engineering tangential-fired boiler constructed in 1962. Fires coal or heavy oil (No. 6) as primary fuel and distillate fuel oil (No. 1 or 2) as secondary fuel. Evaporates boiler solvent cleaning solution.	2346 x 10 ⁶ BTU/hr (nominal)	(1) Lodge-Cottrell cold-side electrostatic precipitator; (2) SCR – voluntary addition after the unit was permitted.	(1) CD-4 (2) CD-4A	(1) PM (2) NO _x	(1) 4/25/95; 4/01/02 (2) N/A
ES-5	EP-5	Unit 1 - Pratt & Whitney natural gas-fired combustion turbine constructed in 1967. Fires distillate fuel oil (No. 1 or 2) or natural gas.	281 x 10 ⁶ BTU/hr (nominal)	-	-	-	-
ES-6	EP-6	Unit 2 - Westinghouse 191 combustion turbine constructed in 1969. Fires distillate fuel oil (No. 1 or 2) or natural gas.	263 x 10 ⁶ BTU/hr (nominal)	-	-	-	-

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled*	Applicable Permit Date*
ES-7	EP-7	Unit 4 - Westinghouse 191 combustion turbine constructed in 1969. Fires distillate fuel oil (No. 1 or 2) or natural gas.	263 x 10 ⁶ BTU/hr (nominal)	-	-	-	-
ES-8	EP-8	Unit 6 - Westinghouse 191 combustion turbine constructed in 1969. Fires distillate fuel oil (No. 1 or 2) or natural gas.	263 x 10 ⁶ BTU/hr (nominal)	-	-	-	-
ES-9	EP-9	Unit 7 - Westinghouse 251 combustion turbine constructed in 1969. Fires distillate fuel oil (No. 1 or 2) or natural gas.	369 x 10 ⁶ BTU/hr (nominal)	-	-	-	-
ES-10	EP-10	Unit 8 - Westinghouse 251 combustion turbine constructed in 1969. Fires distillate fuel oil (No. 1 or 2) or natural gas.	369 x 10 ⁶ BTU/hr (nominal)	-	-	-	-
ES-11	EP-11	Unit 9 - Westinghouse 251 combustion turbine constructed in 1970. Fires distillate fuel oil (No. 1 or 2) or natural gas.	369 x 10 ⁶ BTU/hr (nominal)	-	-	-	-
ES-12	EP-12	Unit 10 - Westinghouse 251 combustion turbine constructed in 1970. Fires distillate fuel oil (No. 1 or 2) or natural gas.	369 x 10 ⁶ BTU/hr (nominal)	-	-	-	-

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled*	Applicable Permit Date*
CB1	EP-3 or EP-4	Carbon Burn-Out – Progress Materials, Inc, Model 1200 CBO™ Unit with 2 hot cyclones with fabric filter for product recovery, a gas/product (G/P) heat exchanger and cold cyclone with fabric filter for product recovery	76.7 x 10 ⁶ Btu/hr (nominal)	In-line cyclones for product recovery, a fabric filter, and the existing electrostatic precipitators serving boiler Units 3 and 4 E3-3, E3-4	CD-C1A/ CD-3, CD-4	PM	6/29/07
				Progress materials, Inc. Model 1200 CBO™ Unit FBC Limestone injection	CD-C1B	SO2	
Carbon Burn-Out Units associated with CB1							
CB2	EP-C2	Limestone Silo Bin	48 ton/hr	Fabric Filter	CD-C2	PM	6/29/07
CB3	EP-C3	Feed Ash Silo Bin	120 ton/hr	Fabric Filter	CD-C3	PM	6/29/07
CB4a,b	EP-C4	Product Loadout spout bins (two)	180 ton/hr (each)	Cartridge Filter	CD-C4	PM	6/29/07
CB5	EP-C5	Product Loadout Silo Bin	360 ton/hr	Fabric Filter	CD-C5	PM	6/29/07
CB6	EP-C6	Product Storage Bin	75 ton/hr	Fabric Filter	CD-C6	PM	6/29/07
CB7	EP-C7	Receiving Silo Bin	40 ton/hr	Fabric Filter	CD-C7	PM	6/29/07
CB8	EP-C8	Vacuum Reclaim Process	100 ton/hr	CP Environmental 120-PFRW-064-C Fabric Filter	CD-C8	PM	6/29/07
Coal Handling							
ES-13a	EP-13a	Coal car unloading	1100 tons of coal per hour	-	-	-	-

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled*	Applicable Permit Date*
ES-13b	EP-13b	Coal crusher	1100 tons of coal per hour	-	-	-	-
ES-13c	EP-13c	Coal conveying system	1100 tons of coal per hour	Covered conveyors	-	-	-
ES-13d	N/A	Coal pile stacker and handling consisting of bulldozer operations and wind erosion	1100 tons of coal per hour	Wet suppression for stacker	WS-13d	PM	6/18/84
Fly Ash Handling							
ES-14a, b, c, d, e, & f	EP-14a, b, c, d, e, & f	Six (6) vacuum pumps for fly ash storage silos A & B	59 tons of fly ash per hour, each silo	Four (4) United Conveyor pulse jet-cleaned fabric filters per silo	CD-14a1-4& CD-14b1-4	PM	6/18/84
ES-14g & h	EP-14g & h	Silos A & B truck loadout areas	600 tons of fly ash per hour, each loadout area	Semi-enclosed loading area, water added as fly ash is loaded, and water spray bars at entrance and exit of each loading area.	WS-14g & h	PM	6/18/84
ES-14i	EP-14i	Fly ash truck dumping at outdoor storage area	480 tons of fly ash per hour	Water added as ash is loaded at each silo truck loading area and covers on trucks.	WS-14g, h, & TC-14i	PM	6/18/84

*The Size/Rated capacity, pollution control descriptions, and applicable permit dates are provided for informational purposes only and are not applicable requirements.

III. Fuel Burning Equipment Requirements - (ES-1 - ES14 and CB1)

A. Limitations

Boilers

1. Particulate emissions from the boilers (Units 1, 2, 3, and 4) shall be controlled by the use of electrostatic precipitators. Each electrostatic precipitator shall be provided with adequate access for inspection.
(9 VAC 5-80-490 B & C, Condition 3 of 4/1/02 permit, Condition 3 of 10/20/98 PSD permit, and Condition 3 of 4/25/95 permit)
2. The approved fuels for Units 1 and 2 (Unit Ref. Nos. ES-1 and ES-2) are coal, natural gas, and distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils." A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-490 B & C and Condition 5 of 10/20/98 PSD permit)
3. The approved fuels for Units 3 and 4 (Unit Ref. Nos. ES-3 and ES-4) are coal, heavy oil, and distillate oil. Boiler solvent cleaning solution may be evaporated in Units 3 and 4. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils." Heavy oil is defined as No. 6 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils." A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-490 B & C)
4. The rate of consumption of boiler solvent cleaning solution in Unit 3 or Unit 4 shall not exceed 120 gallons per minute.
(9 VAC 5-80-490 B & C and Condition 4 of 4/25/95 permit)
5. The consumption of boiler solvent cleaning solution shall only be conducted in one unit at a time.
(9 VAC 5-80-490 B & C and Condition 11 of 4/25/95 permit)
6. Units 3 and 4 (combined) shall consume no more than 72,000 gallons of undiluted boiler solvent cleaning solution per year, calculated monthly as the sum of each consecutive 12-month period. The boiler solvent cleaning solution shall be diluted with an amount of water at least double the amount of boiler solvent cleaning solution prior to consumption in the boilers.
(9 VAC 5-80-490 B & C and Condition 5 of 4/25/95 permit)
7. The approved boiler cleaning solvents for consumption in Units 3 and 4 and their allowable concentrations are as follows:
 - a. Tetra Ammonium EDTA (590.8 lbs Tetra Ammonium EDTA per 1000 gallons of water)
 - b. Ammonium Hydroxide (148.7 lbs Ammonium Hydroxide per 1000 gallons of water)
 - c. Di-Ammonium EDTA (605.9 lbs Di-Ammonium EDTA per 1000 gallons of water)All combinations of these solvents in the above-specified concentrations are acceptable. However, a change in the concentration of these solutions or the use of additional solutions may require a permit to modify and operate.
(9 VAC 5-80-490 B & C and Condition 6 of 4/25/95 permit)

8. The metal contaminant level per 1000 gallons of boiler solvent cleaning solution shall not exceed the following:

7.59 lbs Ni
4.40 lbs Zn
2.95 lbs Ca
0.60 lbs Mn

The boiler solvent cleaning solution shall be analyzed for the above metals prior to consumption in the boilers. Test results shall be reported in pounds of each metal per 1000 gallons of boiler solvent cleaning solution.
(9 VAC 5-80-490 B & C and Conditions 7 and 8 of 4/25/95 permit)

9. Visible emissions from each of the boiler stacks of Units 1 and 2 shall not exceed twenty (20%) percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty (30%) percent opacity. The opacity standards apply at all times except during periods of startup, shutdown or malfunction.

(9 VAC 5-80-490 B & C, 9 VAC 5-50-20 and 9 VAC 5-80-110)

10. Visible emissions from each of the boiler stacks of Units 3 and 4 while burning coal, No. 2 oil, No. 6 oil, or any combination thereof only shall not exceed twenty (20%) percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed sixty (60%) percent opacity.

(9 VAC 5-80-490 B & C and 9 VAC 5-40-80)

11. Visible emissions from the combined burning of coal, No. 2 oil, No. 6 oil, or any combination thereof with boiler solvent cleaning solution in Units 3 and 4 shall not exceed twenty (20%) percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty (30%) percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).

(9 VAC 5-80-490 B & C, 9 VAC 5-50-80, and Condition 12 of 4/25/95 permit)

12. Emissions from the operation of Units 1 and 2 each shall not exceed the limits specified below:

Particulate Matter (PM)	0.03 lbs/10 ⁶ Btu	33.9 lbs/hr	148.4 tons/yr
Sulfur Dioxide (SO ₂)	1.52 lbs/10 ⁶ Btu	1,753.8 lbs/hr	7,674.7 tons/yr
Nitrogen Oxides (as NO ₂)		678.0 lbs/hr	2,967.0 tons/yr
Carbon Monoxide (CO)		27.2 lbs/hr	118.7 tons/yr
Volatile Organic Compounds (VOC)		4.6 lbs/hr	19.8 tons/yr

(9 VAC 5-80-490 B & C and Conditions 11 and 12 of 10/20/98 PSD permit)

13. The permittee must demonstrate that the particulate emission limits in Condition 12 of this permit are met over the entire range of coal ash content burned in Units 1 and 2. Records of such demonstration shall be kept on-site for inspection by DEQ for the most recent 5-year period.

(9 VAC 5-80-490 B & C and Condition 10 of 10/20/98 PSD permit)

14. Emissions from the consumption of the boiler solvent cleaning solution in Units 3 and 4 (combined) shall not exceed the limits specified below:
- | | | |
|--------------------------------------|----------------|--------------|
| Nitrogen Oxides(as NO ₂) | 2,399.0 lbs/hr | 36.0 tons/yr |
|--------------------------------------|----------------|--------------|
- (9 VAC 5-80-490 B & C and Condition 10 of 4/25/95 permit)
15. The Consent Decree entered by the United States District Court for the Eastern District of Virginia, Civil Action Nos. 03-CV-517-A and 03-CV-603-A, on October 10, 2003 between Virginia Electric and Power Company and the United States of America, et al. (the "Consent Decree"), as such Consent Decree might be amended or modified from time to time in accordance with its terms, is incorporated in its entirety into this permit by reference and is attached as Appendix B to this permit. The permittee's obligations under this permit shall be to comply with the terms and conditions of the Consent Decree that relate to the operation of Chesapeake Energy Center exclusively, and such compliance shall be determined exclusively by reference to the terms and conditions of the Decree. Whenever any conflict or ambiguity arises between the Consent Decree and this permit, the terms and conditions of the Consent Decree control. Compliance with the monitoring, recordkeeping, reporting, testing and compliance certification requirements in the Consent Decree that relate to the operation of Chesapeake Energy Center shall be deemed to satisfy the monitoring, recordkeeping, reporting, testing, and compliance certification requirements of this permit arising out of the terms and conditions of the Consent Decree.
(9 VAC 5-80-490 and Appendix B)
16. The permittee shall install an SCR for the control of NO_x on each of Units 3 and 4 no later than January 1, 2013 and, commencing on that date and continuing thereafter, operate each SCR to meet a 30-Day Rolling Average Emission Rate for NO_x of 0.100 lb/mmBtu for each Unit. The permittee shall use best efforts to operate each SCR in accordance with manufacturer's specifications, good engineering practices, and facility operational and maintenance needs. Each Unit served by an SCR required pursuant to Paragraph 56 of the Consent Decree shall operate year-round.
(9 VAC 5-80-490 and Paragraph 56, 57 and 58 of Appendix B)
17. The facility shall operate the Chesapeake Units 1, 2, 3 and 4 Electrostatic Precipitators (ESPs) to maximize PM emission reductions through the procedures established in this Paragraph.
- Commence operation no later than two hours after commencement of combustion of any amount of coal, and provided that, for all ESP-equipped units, "combustion of any amount of coal" shall not include combustion of coal that is the result of clearing out a Unit's coal mills as the Unit is returned to service.
 - Fully energize each available portion of each ESP, except those ESP fields that have been out of service since at least January 1, 2000, consistent with manufacturer's specifications, the operational design of the Unit, and good engineering practices, and repair such fields that go out of service consistent with the requirements of this Paragraph.
 - Maintain power levels delivered to the ESPs, consistent with manufacturers' specifications, the operational design of the Unit, and good engineering practices.
 - Continuously operate Chesapeake Units 1, 2, 3 and 4 ESPs in compliance with manufacturers' specifications, the operational design of the Unit, and good engineering practices.
- Whenever any element of any ESP that has been in service at any time since January 1, 2000 fails, does not perform in accordance with manufacturers' specifications and good engineering practices, or does not operate in accordance with the standards set forth in this Paragraph, permittee shall use best efforts to repair the element no later than the next available Unit outage appropriate to the repair task.
(9 VAC 5-80-490 and Paragraph 78 of Appendix B)

18. Within 270 days after approval of the ESP Optimization Studies by the United States EPA, the permittee shall operate and maintain the ESPs in compliance with the approved ESP optimization plan, and the PM emission limit for each unit shall be 0.030 lb/mmBtu, either commencing immediately or on and after the date required by the Decree for completion of FGD installations or improvements at that Unit. Otherwise, permittee shall comply with Paragraph 82 of the Decree.
(9 VAC 5-80-490 and Paragraph 80 of Appendix B)
19. PM Emission Rates established under Paragraph 80 of the Decree shall not apply during periods of "startup" and "shutdown" or during periods of control equipment or unit malfunction. Periods of "startup" shall not exceed two hours after any amount of coal is combusted. Periods of "shutdown" shall only commence when the unit ceases burning any amount of coal. Coal shall not be deemed to be combusted if it is burned as a result of clearing out a Unit's coal mills as the Unit is returned to service.
(9 VAC 5-80-490 and Paragraph 82 of Appendix B)
20. By December 31, 2009, the permittee shall install, calibrate, operate, and maintain PM CEMS on Units 3 and 4 and one additional unit yet to be determined. Each PM CEM shall be comprised of a continuous particle mass monitor measuring particulate matter concentration, directly or indirectly, on an hourly average basis and a diluent monitor used to convert results to units of lb/mmBtu. The permittee shall select any type of PM CEMS that meets the requirements of this Consent Decree. The permittee shall maintain, in an electronic database, the hourly average emission values of all PM CEMS in lb/mmBtu. During unit startups, permittee shall begin operating the PM CEMS in accordance with the standards set out in Paragraph 78(A) of Appendix B, and the permittee shall thereafter use reasonable efforts to keep each PM CEM running and producing data whenever any unit served by the PM CEM is operating. The permittee shall submit to EPA for review and approval a plan to install, calibrate and operate each PM CEM. The permittee shall thereafter operate each PM CEM in accordance with the approved plan.
(9 VAC 5-80-490 and Paragraph 85 and 92 of Appendix B)
21. Data from the PM CEMS shall be used by the permittee, at a minimum, to monitor progress in reducing PM emissions. Nothing in the Consent Decree is intended to or shall alter or waive any applicable law (including, but not limited to, any defense, entitlements, challenges, or clarifications related to the Credible Evidence Rule in 62 Fed. Reg. 8314 (Feb. 27, 1997)) concerning the use of data for any purpose under the Act, generated either by the reference methods specified herein or otherwise.
(9 VAC 5-80-490 and Paragraph 94 of Appendix B)

Combustion Turbines

22. The approved fuels for the combustion turbines ES-5, 6, 7, 8, 9, 10, 11, and 12 are distillate oil and natural gas. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 "Standard Specification for Fuel Oils." A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-490 B & C)
23. Visible emissions from the combustion turbines (ES-5, 6, 7, 8, 9, 10, 11, and 12) shall not exceed twenty (20%) percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed sixty (60%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
(9 VAC 5-80-490 B & C and 9 VAC 5-40-80)

CBO Unit

24. Particulate matter emissions from the CBO unit (Unit Ref. No. CB1) shall be controlled by in-line cyclones for product recovery, a fabric filter, and the existing electrostatic precipitators serving boiler Units 3 and 4 at the Chesapeake Energy Center. The fabric filter shall have a maximum grain outlet loading of 0.02 grains per dry standard cubic foot. The fabric filter and electrostatic precipitators shall be provided with adequate access for inspection and shall be in operation when the CBO unit is operating.
(9 VAC 5-80-490 B & C and Condition 3 of 6/29/07 permit)
25. SO₂ emissions from the CBO unit (Unit Ref. No. CB1) shall be controlled by limestone injection. The limestone injection process shall be in operation when the CBO unit is operating.
(9 VAC 5-80-490 B & C and Condition 4 of 6/29/07 permit)
26. Particulate matter emissions from Unit Ref. Nos. CB2, CB3, CB5, CB6, CB7 and CB8 shall be controlled by fabric filters. The fabric filters shall have a maximum grain outlet loading of 0.02 grains per dry standard cubic foot. The fabric filters shall be provided with adequate access for inspection and shall be in operation when the units are operating.
(9 VAC 5-80-490 B & C and Condition 5 of 6/29/07 permit)
27. Particulate matter emissions from Unit Ref. No. CB4a and CB4b shall be controlled by cartridge filter systems. The cartridge filter systems shall have a maximum grain outlet loading of 0.02 grains per dry standard cubic foot. The cartridge filter systems shall be provided with adequate access for inspection and shall be in operation when the units are operating.
(9 VAC 5-80-490 B & C and Condition 6 of 6/29/07 permit)
28. The throughput of high-carbon fly ash through the CBO unit shall not exceed 250,000 tons per year (dry basis), calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-490 B & C and Condition 7 of 6/29/07 permit)
29. The gaseous exhausts from the CBO unit fluidized bed combustor (Unit Ref. No. CB1) shall be routed through the two (2) hot cyclones before being routed through the heat exchanger, cold cyclone, and fabric filter. The CBO flue gases shall at all times be routed back to boiler Units 3 or 4 at the Chesapeake Energy Center when the CBO system is in operation and shall be permanently ducted to a point prior to the air pollution control equipment associated with those units. The air pollution control equipment associated with boiler Units 3 and 4, including the electrostatic precipitators and selective catalytic reduction (SCR) systems, shall be operated in accordance with existing applicable requirements in order to ensure that particulate (PM and PM-10) and NO_x emissions from the CBO unit are minimized. The CBO system shall operate without SCR for no more than 212 days per calendar year.
(9 VAC 5-80-490 B & C and Condition 8 of 6/29/07 permit)

30. The permittee shall install, maintain, and continuously operate systems for monitoring and recording the rate of heat transfer in Btu per hour and Btu per year from the CBO system to boiler Units 3 and 4. These systems shall provide a continuous indication of the condensate flow rate (in pounds per hour) through the CBO system and shall provide a continuous record of which boiler (either Unit 3 or Unit 4) is receiving the heat generated by the CBO system. This requirement shall apply only during periods of CBO operation. The permittee shall calculate and record the equivalent annual coal displacement from boiler Units 3 and 4 in tons of coal per year utilizing annual Btus per calendar year transferred from the CBO system to boiler Units 3 and 4 and representative coal Btu values (AP-42 or actual average values for the calendar year, if they exist). The calculation shall be performed and recorded once per calendar year by January 31st and shall encompass the previous 12-month period ending December 31st.
(9 VAC 5-80-490 B & C and Condition 9 of 6/29/07 permit)
31. Visible emissions from each of the fabric filter and cartridge filter stacks associated with the product and limestone silos and product loadout (Unit Ref. Nos. CB2, CB3, CB4a, CB4b, CB5, CB6, CB7 and CB8) shall not exceed 5% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
(9 VAC 5-50-80 and 9 VAC 5-80-490 B & C and Condition 10 of 6/29/07 permit)
32. Except where this permit is more restrictive than the applicable requirement, the Carbon Burn-Out Unit (CB1) shall be operated in compliance with the requirements of 40 CFR 60, Subpart Dc. The emission limitations of Subpart Dc that apply to coal combustion do not apply to the CBO system because the high-carbon fly ash does not meet the ASTM definition of "coal".
(9 VAC 5-50-400, 9 VAC 5-50-410, 9 VAC 5-80-490 B & C and Condition 11 of 6/29/07 permit)

Station-Wide

33. PM emissions from Units 3 and 4 and the combustion turbines (combined) shall not exceed 0.1116 lbs/10⁶ Btu.
(9 VAC 5-80-490 B & C, 9 VAC 5-40-900 and 910, and Condition 5 of 4/1/02 permit)
34. Sulfur dioxide emissions from Units 3 and 4 and the combustion turbines (combined) shall not exceed 2.64 lbs/10⁶ Btu of total heat input capacity, expressed in lbs/hr.
(9 VAC 5-80-490 B & C and 9 VAC 5-40-930)
35. The total nitrogen oxide (NO_x) emission from Virginia Power's Chesapeake Energy Center and Yorktown Power Station combined shall not exceed 5,000 tons from June 1 to August 31 (inclusive) per calendar year, starting in the year 2008.
(9 VAC 5-80-490 and Condition 4 of 9/3/96 Ozone Season permit)

B. Monitoring

36. A condition assessment shall be conducted on the electrostatic precipitators annually by the permittee to insure the equipment is in proper operating condition.
(9 VAC 5-80-490 E)
37. Continuous opacity monitors (COMs) shall be installed to measure and record the opacity of emissions from the stacks of Units 1, 2, 3 and 4. The monitors shall be maintained and calibrated in accordance with 9 VAC 5-40-41 of State Regulations.
(9 VAC 5-80-490 E, 9 VAC 5-40-40, and Condition 7 of 10/20/98 PSD permit)

38. Continuous emission monitors shall be used to measure and record the emissions of SO₂ and NO_x emitted from the stacks of Units 1 and 2 and SO₂ emitted from the stacks of Units 3 and 4. The continuous emission monitors shall be maintained, located, calibrated, and quality assured/controlled according to approved procedures in accordance with the provisions of 40 CFR Part 75.
(9 VAC 5-80-490 E and Condition 8 of 10/20/98 PSD permit)
39. Compliance with the SO₂ emission limits for Units 1, 2, 3, and 4 set forth in Conditions A.12 and A.34 of this permit and with the NO_x emission limits for Units 1 and 2 set forth in Condition A.12 of this permit shall be determined on a 30 boiler operating day rolling average. Data shall be collected for a minimum of 95 percent of the boiler operating days in any one quarter. A boiler operating day is as defined in 40 CFR 60.41Da. The permittee shall submit quarterly excess emission reports for SO₂ and NO_x to the Director, Tidewater Regional Office within 30 days after the end of each calendar quarter. The content and format of the quarterly reports shall be arranged with the Director, Tidewater Regional Office.
(9 VAC 5-80-490 E and Condition 9 of 10/20/98 PSD permit)
40. The permittee shall review the recorded opacity data from the opacity monitor serving Units 3 and 4 daily. If the data indicate opacity approaching the applicable standard, the permittee shall check the boiler operating parameters to determine if parameters are within normal range. If the boilers are not operating within normal parameters, adjustments shall be made to return the unit(s) to proper operation. Opacity data shall be reviewed again to confirm proper operations. The recorded data shall be kept on-site for a minimum of five years.
(9 VAC 5-80-490 E and 9 VAC 5-40-940)
41. The permittee shall determine, using engineering calculations or monitoring, NO_x emissions resulting from the consumption of boiler solvent cleaning solution in Units 3 and 4. Emissions shall be determined for the period of each event and totaled monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-490 E)
42. The permittee shall calculate emissions of PM in lbs/mmBtu, lbs/hour, and tons per year and emissions of CO and VOC in lbs/hour and tons per year from the stacks of Units 1 and 2. The permittee shall calculate such emissions in lbs/mmBtu and lbs/hour weekly utilizing hourly boiler heat input data or hourly fuel throughput, control equipment efficiency, and appropriate F-factors or AP-42 emission factors. The permittee shall calculate annual emissions in tons/year monthly as the sum of each consecutive 12-month period utilizing monthly boiler heat input data or monthly fuel throughput, control equipment efficiency, and appropriate F-factors or AP-42 emission factors. In lieu of hourly or monthly calculations, the permittee may elect to make a one-time demonstration of the relationship between maximum hourly or monthly heat input or fuel throughput and maximum hourly and annual emissions using appropriate F-factors or AP-42 emission factors. Such a one-time demonstration shall be maintained on-site for the life of the units and shall demonstrate compliance with the emission limitations set forth in Condition A.12 of this permit.
(9 VAC 5-80-490 E)
43. The permittee shall use monthly recorded CEMs data to calculate annual NO_x and SO₂ emissions from Units 1 and 2 monthly as the sum of each consecutive 12-month period. Calculations shall be maintained on-site for the most recent 5-year period and shall demonstrate compliance with the emission limitations set forth in Condition A.12 of this permit.
(9 VAC 5-80-490 E)

44. The permittee shall calculate emissions of PM in lbs/mmBtu from Units 3 and 4 and the combustion turbines (combined). The permittee shall calculate emissions of SO₂ in lbs/mmBtu from the combustion turbines and use recorded CEMs data for SO₂ emissions in lbs/mmBtu from Units 3 and 4 to demonstrate compliance with the combined SO₂ limitations for the combustion turbines and Units 3 and 4 as specified in Condition A.34. The permittee shall calculate such emissions weekly utilizing hourly heat input data or hourly fuel throughput, control equipment efficiency, and appropriate F-factors or AP-42 emission factors or CEMs data where appropriate. In lieu of an hourly calculation, the permittee may elect to make a one-time demonstration of the relationship between maximum hourly heat input or fuel throughput and maximum hourly emissions using appropriate F-factors or AP-42 emission factors. Such a one-time demonstration shall be maintained on-site for the life of the units and shall demonstrate compliance with the emission limitations set forth in Conditions A.33 and A.34 of this permit.
(9 VAC 5-80-490 E)
45. When in use, the ESP Energy Management System governing power to the electrostatic precipitator fields shall be operated in such a manner so as to ensure compliance with the PM limitations in Conditions A.12 and A.33 of this permit. The permittee shall record power curve data for the Energy Management System or other suitable data for the Units 1, 2, 3, and 4 ESPs when the Energy Management System is in operation.
(9 VAC 5-80-490 E and Condition 4 of 4/1/02 permit)
46. The permittee shall perform visible emissions observations (VEOs) on the exhaust stack of each combustion turbine according to the following schedule:
- a. At least one VEO shall be conducted on each unit that operates for a cumulative total of 20 hours or more during the calendar year.
 - b. At least one VEO shall be performed during each 200 hours of unit operation during the calendar year.
 - c. At least one VEO shall be performed during any unit operability verification testing conducted during the calendar year.
- Each VEO shall be performed for a sufficient period of time to identify the presence of visible emissions. If visible emissions are observed, a Method 9-certified observer shall conduct a VEO. If visible emissions do not appear to exceed ten percent (10%) opacity, no action shall be required. However, if the observed visible emissions appear to exceed ten percent opacity, a visible emission evaluation (VEE) shall be conducted using 40 CFR Part 60, Appendix A, Method 9, for a period of not less than 6 minutes. If the average opacity exceeds 20%, modifications and/or repairs shall be performed to correct the problem and the corrective measures shall be recorded. If such corrective action fails to remedy the opacity problem, a VEE in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be performed for a period of at least 18 minutes to determine compliance with the opacity limits specified in Condition III.A.23 of this permit. The VEE observer shall be Method 9-certified.
(9 VAC 5-80-490 E)
47. The permittee shall determine the actual NO_x emissions released from the Chesapeake Energy Center from June 1 to August 31 of each calendar year. Emissions from units equipped with continuous emission monitors shall be determined by the use of emission rates in lbs/10⁶ Btu collected in accordance with the provisions of 40 CFR 60, and the total heat input during the period for each unit (from fuel combustion and fuel analysis data). Emissions from units not equipped with continuous emission monitors shall be determined by the use of appropriate factors from EPA Publication AP-42. The results and any supporting data the Department may request shall be submitted to the Director, Tidewater Regional Office by October 15 of each calendar year.
(9 VAC 5-80-490 E and Condition 3 of 9/3/96 Ozone Season permit)

48. The permittee shall monitor, operate, calibrate and maintain the ESPs controlling Units 1,2,3, and 4 according to the following table:

**Electrostatic Precipitator Compliance Assurance Monitoring (CAM) Plan
(Units: ES-1, ES-2, ES-3, and ES-4)**

Indicator	Indicator 1 Opacity	Indicator 2 Transformer Rectifiers	Indicator 3 Precipitator Rappers
Measurement approach	Opacity is continuously monitored by a Continuous Opacity Monitoring System (COMS). Continuous values are reduced to six-minute block averages.	Daily observation of each rectifier or rectifier alarm status by a qualified employee.	Daily observation of each rapper or its controls by a qualified employee.
Indicator range	An excursion is defined as average opacity greater than 20% during one six-minute period in any one hour.	An excursion is defined as a non-energized rectifier or a rectifier alarm or failure to perform the daily inspection of the rectifier.	An excursion is defined as a failed rapper or failure to perform the daily inspection of rappers.
<u>Performance criteria:</u>			
Verification of operational status	COMS were installed in accordance with 40 CFR 60, Appendix B, Performance Specification 1 (PS-1).	Rectifier observations verify that adequate electrical power is supplied to the ESPs.	Rapper observations verify that scheduled cleaning is performed on the ESPs.
QA/QC practices and criteria	COMS were installed and evaluated in accordance with 40 CFR 60, Appendix B, PS-1. Trained personnel to perform daily checks of zero and span drift and filter audits in accordance with PS-1.	ESPs are energized within 2 hours after commencement of combustion of any amount of coal (except when clearing out coal mills). Each available portion of the ESP is fully energized and power levels delivered to the ESPs are maintained consistent with manufacturers' specifications, operational design of the equipment and good engineering practices. All startups and events for which the unit is on-line and the ESP is powered off are recorded.	Rapper equipment for each ESP is checked daily by station personnel who fill out an electronic equipment inspection report that indicates whether or not the equipment is operating..
Monitoring frequency and data collection procedure	Continuous for COMS. The opacity data are collected and retained by a computerized Data Acquisition And Handling System (DAHS).	Any failure of the ESP equipment is recorded in an event log. For all equipment failures that cannot be repaired the same day, best efforts are made to repair the element no later than the next available unit outage appropriate to the repair task. The log also includes a history of the actions taken to correct the problem and restore the equipment back to operation.	Any failure of the rapper system is recorded in an event log. For all equipment failures that cannot be repaired the same day, best efforts are made to repair the element no later than the next available unit outage appropriate to the repair task. The log also includes a history of the actions taken to correct the problem and restore the equipment back to operation.

49. The permittee shall conduct the monitoring and fulfill the other obligations specified in 40 CFR 64.7 through 40 CFR 64.9.
(9 VAC 5-80-490 E and 40 CFR 64.6 (c))
50. At all times, the permittee shall maintain the monitoring equipment, including, but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
(9 VAC 5-80-490 E and 40 CFR 64.7 (b))
51. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that Units 1,2,3 and 4 are operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of compliance assurance monitoring, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The permittee shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by inadequate maintenance or improper operation are not malfunctions.
(9 VAC 5-80-490 E and 40 CFR 64.7 (c))
52. Upon detecting an excursion or exceedance, the permittee shall restore operation of affected unit (Units 1,2,3 or 4) (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup and shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator, designated condition, or below the applicable emission limitation or standard, as applicable.
(9 VAC 5-80-490 E and 40 CFR 64.7 (d)(1))
53. Determination that acceptable procedures were used in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.
(9 VAC 5-80-490 E and 40 CFR 64.7(d)(2))
54. If the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Director, Tidewater Regional Office and, if necessary, submit a proposed modification to this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.
(9 VAC 5-80-490 E and 40 CFR 64.7(e))

55. If the number of exceedances or excursions exceeds 5% duration of the operating time for each of Units 1,2,3 and/or 4 for a semiannual reporting period, the permittee shall develop, implement and maintain a Quality Improvement Plan (QIP) in accordance with 40 CFR 64.8. If a QIP is required, the permittee shall have it available for inspection. The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the permittee shall modify the plan to include procedures for conducting one or more of the following, as appropriate:
- a. Improved preventative maintenance practices;
 - b. Process operation changes;
 - c. Appropriate improvements to control methods;
 - d. Other steps appropriate to correct control performance; and
 - e. More frequent or improved monitoring.
- (9 VAC 5-80-490 E and 40 CFR 64.8(a) and (b))
56. By January 1, 2013, the permittee shall continuously monitor NO_x emissions from Units 3 and 4 using a CEMS in accordance with 40 CFR Part 75 to meet the emission limit listed in condition A.16.
(9 VAC 5-80-490 and Paragraphs 56, 57 and 58 of Appendix B)
57. By December 31, 2009, the permittee shall continuously monitor PM emissions from Units 3, 4 and one additional unit yet to be determined by installing PM CEMS in accordance with condition A.20 paragraph 85 of Appendix B.
(9 VAC 5-80-490 and Paragraphs 81, 85 and 92 of Appendix B)

C. Recordkeeping

58. The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:
- a. The name of the fuel supplier,
 - b. The date on which the oil was received,
 - c. The volume of distillate oil delivered in the shipment, and
 - d. A statement that the oil complies with the American Society for Testing and Materials specifications (ASTM D396) for fuel oil numbers 1 and 2.
- (9 VAC 5-80-490F)
59. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrated compliance with this permit. The content of and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
- a. Records of calculated or measured ozone season (June 1 to August 31 inclusive) NO_x emissions in tons.
 - b. The annual throughput of coal calculated monthly as the sum of each consecutive 12-month period.
 - c. All fuel supplier certifications.
 - d. The weighted annual average ash and sulfur content of coal burned, calculated as the sum of each consecutive 12-month period.

- e. Annual emissions from Units 1 and 2 in tons per year of pollutants listed in Condition A.12 of this permit. The permittee shall calculate these emissions monthly as the sum of each consecutive 12-month period.
- f. The rate of consumption of boiler solvent cleaning solution in gallons per minute.
- g. The amount of undiluted boiler solvent cleaning solution in gallons per year calculated monthly as the sum of each consecutive 12-month period.
- h. The amount of water used to dilute the boiler solvent cleaning solution in gallons per year calculated monthly as the sum of each consecutive 12-month period.
- i. Test results for metals in boiler cleaning solvent solution as required by Condition A.8 of this permit.
- j. Opacity monitor data as required by Condition B.37 of this permit.
- k. Electrostatic precipitator inspection records.
- l. Combustion turbine visible emissions evaluations.
- m. All emissions calculations relied upon by the permittee to demonstrate compliance with the emission limits set forth in this permit including all assumptions and emission factors used.
- n. Annual amount of high-carbon fly ash processed in tons (dry basis), calculated monthly as the sum of each consecutive 12-month period.
- o. Hourly and annual rate of heat transfer from the CBO system to boiler Units 3 and 4 via the heat exchanger in Btus per hour and Btus per calendar year and CBO system condensate flow rate in pounds per hour.
- p. Annual calculations of equivalent coal displacement from the boiler Units 3 and 4 in tons of coal per calendar year utilizing annual heat transferred from the CBO system in Btus and representative Btu values of coal burned (AP-42 or actual average Btu values over the calendar year, if they exist).
- q. Records specifying which boiler (either Unit 3 or Unit 4) received heat generated in the CBO system.
- r. Scheduled and unscheduled maintenance of the CBO fluidized bed combustor unit, hot and cold cyclones, fabric filters, and cartridge filters.
- s. Number of days per calendar year in which the CBO system is operated in the absence of the boiler Unit 3 or 4 SCR systems.
- t. All stack test data.
- u. NO_x CEM data from Units 3 and 4 after 1/1/2013.
- v. PM CEMS data once CEMS are installed.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent 5 years.

(9 VAC 5-80-490 F, 9 VAC 5-50-50, Condition 16 of 10/20/98 PSD permit, Condition 15 of 4/25/95 permit. Condition 12 of 6/29/07 permit and Appendix B)

- 60. Opacity monitor data recorded during the combined burning of coal and consumption of boiler solvent cleaning solution shall be maintained as separate records.
(9 VAC 5-80-490 and Condition 9 of 4/25/95 permit)
- 61. Emissions from Units 3 and 4 shall be controlled by proper operation and maintenance. Units 3 and 4 operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and

familiarization of the manufacturer's operating instructions, at minimum. The permittee shall maintain records of the required training including a statement of time, place, and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for all air pollution control equipment. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on-site and made available for inspection by DEQ.
(9 VAC 5-80-490 C and Condition 14 of 4/25/95 permit)

D. Testing

62. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Test ports shall be provided at the Unit 3 stack and the Unit 4 stack. Upon request from the Department, test ports will be provided at all other appropriate locations.
(9 VAC 5-80-490 E & F, 9 VAC 5-50-30, Condition 13 of 4/25/95 permit, and Condition 14 of the 10/20/98 PSD permit)
63. Until installation and operation of a PM CEMS, if applicable, the permittee shall conduct a stack test for PM on each stack. The stack test shall be conducted at least once per every four successive "QA Operating Quarters" (as defined in 40 CFR 72.2) and the results of the testing shall be submitted to the Director, Tidewater Regional Office
(9 VAC 5-80-490)
64. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-490 E)

E. Reporting

65. The permittee shall furnish written reports to the Director, Tidewater Regional Office of excess emissions from any process monitored by a continuous monitoring system (COMS/CEMS) (according to the table below) on a semi-annual or quarterly basis, postmarked no later than the 30th day following the end of the calendar half or quarter.

	Unit 1	Unit 2	Unit 3	Unit 4
SO₂ 30-Day Rolling #/mmBtu	Yes	Yes	Yes	Yes
SO₂ 30-Day Rolling #/Hour	Yes	Yes	N/A	N/A
NO_x 30-Day Rolling #/Hour	Yes	Yes	N/A	N/A
Opacity	Yes	Yes	Yes	Yes

These reports shall include, but are not limited to the following information:

- a. The magnitude of excess emissions, any conversion factors used in the calculation of excess emissions, and the date and time of commencement and completion of each period of excess emissions;
- b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the process, the nature and cause of the malfunction (if known), the corrective action taken or preventative measures adopted;
- c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and

- d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in that report.
(9 VAC 5-80-490 and Condition 9 of 10/20/98 PSD permit)
- 66. The permittee shall submit the results and any supporting data related to ozone season NO_x measurements or calculations to the Director, Tidewater Regional Office postmarked by October 15 of each calendar year.
(9 VAC 5-80-490 and Conditions 3 and 4 of 9/3/96 Ozone Season permit)
- 67. The permittee shall submit CAM reports as part of the quarterly or semi-annual excess emission reports required by Condition E.65 of this permit to the Director, Tidewater Regional Office. Such reports shall include at a minimum:
 - a. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
 - b. Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
 - c. A description of the actions taken to implement a quality improvement plan (QIP) during the reporting period as specified in §64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.
(9 VAC 5-80-490 and 40 CFR 64.9(a))
- 68. The permittee shall submit semi-annual reports required under Appendix B of the Consent Decree (Appendix B of permit), until the expiration of the Decree.
(9 VAC 5-80-490 and Paragraph 95 and Appendix B of Appendix B)

IV. Process Equipment Requirements - (Coal and Fly Ash Handling)

A. Limitations

- 69. Particulate emissions from the coal handling process shall be controlled by wet suppression as necessary. The permittee shall comply with the applicable provisions of 40 CFR 60 Subpart Y.
(9 VAC 5-80-490 C, 40 CFR 60.250, and Specific Condition 4 of 10/20/98 PSD permit)
- 70. Particulate emissions from the fly ash handling system shall be controlled by cyclones and filters in series.
(9 5-80-490 C and Specific Condition 5 of 6/18/84 permit)
- 71. Particulate emissions from the fly ash silo loading stations shall be controlled by wet suppression as necessary.
(9 VAC 5-80-490 C and Specific Condition 6 of 6/18/84 permit)
- 72. Fugitive dust emissions from coal handling/storage for Units 1 and 2 are specified below:

PM-10	6.4 lbs/hr	3.0 tons/yr (12-mo. rolling avg.)
-------	------------	-----------------------------------

These emissions are derived from the estimated overall emission contribution and are included for emission inventory purposes. Compliance shall be determined as stated in Condition 69 of this permit.
(9 VAC 5-80-490 B and Specific Condition 13 of 10/20/98 PSD permit)

73. Visible emissions from the coal handling and fly ash handling systems shall not exceed twenty (20%) percent opacity at all times.
(9 VAC 5-50-80, 9 VAC 5-80-490 B, and 40 CFR 60.252(c))

74. Emissions from the operation of each filter of the fly ash handling process shall not exceed the limits specified below:

PM-10	0.6 lbs/hr	0.5 tons/yr (12-mo. rolling avg.)
-------	------------	-----------------------------------

Compliance with the emission limitations above shall be demonstrated by compliance with the provisions of Conditions 70, 71, 73, B.75, and B.76 of this permit.

(9 VAC 5-80-490 B and Specific Condition 4 of 6/18/84 Permit)

B. Monitoring

75. Each fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times. At least one time per week, an observation of the presence of visible emissions from the fabric filter exhausts shall be made. If visible emissions are observed, the permittee shall take timely corrective action such that the units resume operation with no visible emissions, or perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the fabric filters do not exceed twenty percent (20%) opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20 percent, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the fabric filters resume operation with visible emissions of 20 percent or less. The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings, and any necessary corrective action. A condition assessment shall be conducted on each cyclone annually by the permittee to insure the equipment is in proper operating condition..
(9 VAC 5-80-490 E)

76. At least one time per week, an observation of the presence of visible emissions from the coal handling and fly ash handling systems shall be made. If visible emissions are observed, the permittee shall take timely corrective action such that the systems resume operation with no visible emissions, or perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the systems do not exceed twenty percent (20%) opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20 percent, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the systems resume operation with visible emissions of 20 percent or less. The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings, and any necessary corrective action.
(9 VAC 5-80-490 E)

C. Recordkeeping

77. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:

- a. Logbook to be maintained on-site including weekly opacity observations and any excess opacity episodes and corrective measures taken and monthly fabric filter pressure drop readings.
- b. Records of annual cyclone inspections.
- c. Documentation that the facility is in compliance with 40 CFR 60 Subpart Y.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent 5-year period.

(9 VAC 5-50-50 and 9 VAC 5-80-490 F)

78. All air pollution control equipment operators shall be trained and certified in the proper operation of all such equipment. The permittee shall maintain records of the required training and certification. Certification of training shall consist of a statement of time, place, and nature of training provided. A maintenance schedule shall be established for as such equipment and made available to DEQ for review. Records of training, service, and maintenance shall be maintained on-site for the most recent 5-year period.

(9 VAC 5-80-490 and General Conditions 6 and 7 of 6/18/84 permit)

D. Testing

79. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.

(9 VAC 5-50-30 and 9 VAC 5-80-490 E & F)

80. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.

(9 VAC 5-80-490 E)

V. Facility Wide Conditions

A. Limitations

81. Unless otherwise specified in this permit, visible emissions shall not exceed twenty (20%) percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty (60%) percent opacity.
(9 VAC 5-40-80 and 9 VAC 5-80-490)
82. The facility is subject to the following federal regulatory requirements:
- a. 40 CFR 61 - Asbestos. Details requirements for asbestos removal at demolition and renovation activities. If such activities should occur, the facility shall comply with the applicable provisions.
 - b. 40 CFR 63 - National Emissions Standards for Hazardous Air Pollutants for Source Categories. No standards have currently been promulgated for this facility. However, Subparts YYYY (Combustion Turbines) and ZZZZ (Reciprocating Internal Combustion Engines) are future applicable requirements.
 - c. 40 CFR 64 - Compliance Assurance Monitoring (CAM) Requirements. Details requirements for Compliance Assurance Monitoring.
 - d. 40 CFR 68 - Chemical Accident Prevention Provisions. Describes requirements for Risk Management Plans.
 - e. 40 CFR 70 - Operating Permits Regulation. Institutes operating permit requirements.
 - f. 40 CFR 72 - Acid Rain Permits Regulation. Establishes Acid Rain Program requiring Phase I and Phase II permits.
 - g. 40 CFR 73 - Sulfur Dioxide Allowance System. Establishes SO₂ allowance allocations, tracking, transfers, and auctions.
 - h. 40 CFR 75 - Continuous Emission Monitoring. Establishes continuous emissions monitoring provisions including installation, certification, operation, and maintenance and quality assurance.
 - i. 40 CFR 76 - Acid Rain Nitrogen Oxides Emission Reduction Program. Establishes NO_x emissions limitations for coal-fired utility units subject to an Acid Rain emissions limitation or reduction requirement for SO₂ under Phase I or Phase II.
 - j. 40 CFR 77 - Excess Emissions. Requires offsets for excess emissions of SO₂ and provides penalties for excess emissions of SO₂ and NO_x.
 - k. 40 CFR 78 - Appeal Procedures. Establishes appeal procedures for the Acid Rain Program.
 - l. 40 CFR 82 - Stratospheric Ozone Protection. Subpart F provides requirements for facilities that utilize CFC's in air conditioning units, chillers, etc. to utilize licensed technicians for repair.
 - m. 40 CFR 97 - NO_x Budget. Outlines emissions limitations and compliance schedules for NO_x reductions.
(9 VAC 5-80-490)
83. The facility is subject to the following Virginia regulatory requirements:
- a. 9 VAC 5-20-50 - Variance.
 - b. 9 VAC 5-20-70 - Circumvention.

- c. 9 VAC 5-20-160 - Source registration.
 - d. 9 VAC 5-20-180 - Good maintenance practices and start-up, shutdown, and malfunction procedures.
 - e. 9 VAC 5-40-20 - Compliance for existing sources.
 - f. 9 VAC 5-40-30 - Emission testing for existing sources.
 - g. 9 VAC 5-40-40 - Existing source monitoring.
 - h. 9 VAC 5-40-50 - Existing source notification, records, and reporting.
 - i. 9 VAC 5-40-80 - Existing source standard for visible emissions (opacity).
 - j. 9 VAC 5-40-90 - Standard for fugitive emissions for existing sources.
 - k. 9 VAC 5-40-100 - Monitoring.
 - l. 9 VAC 5-40-900 - Existing source standards for PM.
 - m. 9 VAC 5-40-910 - PM emission allocation system.
 - n. 9 VAC 5-40-920 - Determination of collection equipment efficiency factor.
 - o. 9 VAC 5-40-930 - Existing source standards for SO₂.
 - p. 9 VAC 5-40-940 - Existing source visible emission standards.
 - q. 9 VAC 5-40-950 - Existing source fugitive dust/emissions standards.
 - r. 9 VAC 5-50-20 - New source compliance.
 - s. 9 VAC 5-50-30 - New source emission testing.
 - t. 9 VAC 5-50-40 - New source monitoring.
 - u. 9 VAC 5-50-50 - Notification, records, and reporting.
 - v. 9 VAC 5-50-90 - New source standard for fugitive dust/emissions.
 - w. 9 VAC 5-50-240 - Standards of performance for stationary sources.
 - x. 9 VAC 5-50-260 - Standard for new and modified stationary sources (BACT).
 - y. 9 VAC 5-50-290 - Visible emissions standard for new and modified stationary sources.
 - z. 9 VAC 5-50-300 - Fugitive dust/emissions standards for new and modified stationary sources.
 - aa. 9 VAC 5-80-50 - Operating permit requirements.
 - bb. 9 VAC 5-80-310 - Operating permit fees.
 - cc. 9 VAC 5-80-360 - Acid Rain operating permits.
 - dd. 9 VAC 5-80-1700 & 1710 - Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas.
 - ee. 9 VAC 5-80-2000 - Permits for Major Stationary Sources and Major Modifications Locating in Non-attainment Areas.
 - ff. 9 VAC 5-140-10 - Emissions trading.
- (9 VAC 5-80-490)

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
IS-1	Unit 2 Combustion Turbine starter diesel engine	9 VAC 5-80-720 B	CO, NO _x , PM10, SO ₂ , VOC	360 horsepower
IS-2	Unit 4 Combustion Turbine starter diesel engine	9 VAC 5-80-720 B	CO, NO _x , PM10, SO ₂ , VOC	360 horsepower
IS-3	Unit 6 Combustion Turbine starter diesel engine	9 VAC 5-80-720 B	CO, NO _x , PM10, SO ₂ , VOC	360 horsepower
IS-4	Unit 7 Combustion Turbine starter diesel engine	9 VAC 5-80-720 B	CO, NO _x , PM10, SO ₂ , VOC	655 horsepower
IS-5	Unit 8 Combustion Turbine starter diesel engine	9 VAC 5-80-720 B	CO, NO _x , PM10, SO ₂ , VOC	655 horsepower
IS-6	Unit 9 Combustion Turbine starter diesel engine	9 VAC 5-80-720 B	CO, NO _x , PM10, SO ₂ , VOC	655 horsepower
IS-7	Unit 10 Combustion Turbine starter diesel engine	9 VAC 5-80-720 B	CO, NO _x , PM10, SO ₂ , VOC	655 horsepower
IS-8	Combustion Turbine Diesel Fuel Handling Systems	9 VAC 5-80-720 B	VOC	40 to 75 gallons
IS-9	Combustion Turbine Lube Oil Systems	9 VAC 5-80-720 B	VOC	151 to 2,000 gallons
IS-10	Steam Turbine Lube Oil Systems	9 VAC 5-80-720 B	VOC	112 to 5,835 gallons
IS-11	Induced Draft Fan Lube Oil Systems	9 VAC 5-80-720 B	VOC	<1,000 gallons each

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
IS-12	Boiler Feed Pump Lube Oil Systems	9 VAC 5-80-720 B	VOC	<1,000 gallons each
IS-13	Dirty and Clean Oil Storage Tanks	9 VAC 5-80-720 B	VOC	5,400 and 9,000 gallons
IS-14	Miscellaneous Lube Oil Storage Tanks	9 VAC 5-80-720 B	VOC	275 to 1,500 gallons
IS-15	Kerosene Storage Tank	9 VAC 5-80-720 B	VOC	275 gallons
IS-16	Propane Storage Tanks (4)	9 VAC 5-80-720 B	VOC	1,000 gallons each
IS-17	Heavy Metals pond lime mixing tanks (2)	9 VAC 5-80-720 B	PM/PM-10	11,200 gallons each
IS-18	Parts Degreasers	9 VAC 5-80-720 B	VOC	<100 gallons each
IS-19	Combustion Turbine No. 2 Fuel Oil Tank	9 VAC 5-80-720 B	VOC	1,000 gallons each
IS-20	Station No. 2 Fuel Oil Tank No. 1	9 VAC 5-80-720 B	VOC	1,501,399 gallons
IS-21	Station No. 2 Fuel Oil Tank No. 2	9 VAC 5-80-720 B	VOC	434,921 gallons
IS-22	Diesel Fueling Station and Underground Tank	9 VAC 5-80-720 B	VOC	6,000 gallons
IS-23	Gasoline Fueling Station and Underground Tank	9 VAC 5-80-720 B	VOC	6,000 gallons
IS-24	Emergency Generator Propane Storage Tank	9 VAC 5-80-720 B	VOC	500 gallons
IS-25	Turbine Electro-Hydraulic Control System (EHC) tanks	9 VAC 5-80-720 B	VOC	110 gallons each
IS-26	Propane Coal Car Track Heaters	9 VAC 5-80-720 C	CO, NO _x , SO ₂ , PM-10, VOC	60,000 Btu each
IS-27	Emergency Generator	9 VAC 5-80-720 B	CO, NO _x , SO ₂ , PM-10, VOC	30 kW
IS-28	Emergency Generator	9 VAC 5-80-720 B	CO, NO _x , SO ₂ , PM-10, VOC	315 horsepower

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
IS-29	North Plant Emergency Diesel Fire Pump	9 VAC 5-80-720 B	CO, NO _x , SO ₂ , PM-10, VOC	155 horsepower
IS-30	Propane Emergency Generator	9 VAC 5-80-720 B	CO, NO _x , SO ₂ , PM-10, VOC	82 horsepower
IS-31	Miscellaneous Welding Generators and Welding Compressors	9 VAC 5-80-720 B	CO, NO _x , SO ₂ , PM-10, VOC	<40 horsepower
IS-32	Diesel Generator Light Unit	9 VAC 5-80-720 B	CO, NO _x , SO ₂ , PM-10, VOC	20 horsepower
IS-33	Pressure Washer (Parts Cleaner) with pump	9 VAC 5-80-720 C	CO, NO _x , SO ₂ , PM-10, VOC	328,000 BTU/hour
IS-34	Miscellaneous Small Fuel Burning Equipment	9 VAC 5-80-720 C	CO, NO _x , SO ₂ , PM-10, VOC	various
IS-35	Coal ship Unloading Facility	9 VAC 5-80-720 C	PM	< 5 ton/yr fugitive
IS-36	Temporary Coal Barge and Truck Unloading Facility	9 VAC 5-80-720 C	PM	< 5 ton/yr fugitive

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, monitoring, recordkeeping and reporting shall not be required for these emission units in accordance with 9 VAC 5-80-490 C, E, and F .

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60 Subparts A, B, C, D, Da, Db, Dc, K, Ka, Kb, and	NSPS requirements	No emissions sources at this facility are subject to these NSPS regulations

40 CFR 63 - All Subparts	MACT Requirements	No emissions sources at this facility are subject to any current MACT requirements.
40 CFR 72 through 78	Acid Rain Program	Combustion turbines are not subject to the Federal Acid Rain Program.

Nothing in this permit shield shall alter the provisions of § 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to § 114 of the federal Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or § 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to § 10.1-1307.3 of the Virginia Air Pollution Control Law. (9 VAC 5-80-500)

VIII. General Conditions

A. Federal Enforceability

84. All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-490 N)

B. Permit Expiration

85. This permit has a fixed term of five years. The expiration date shall be the date five years from the effective date of the permit. Unless the owner submits a timely and complete renewal application to DEQ consistent with 9 VAC 5-80-430, the right of the facility to operate shall terminate upon permit expiration.
- a. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
 - b. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 3, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-510.
 - c. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-430 for a renewal permit, except in compliance with a permit issued under Article 3, Part II of 9 VAC 5 Chapter 80.
 - d. If an applicant submits a timely and complete application under section 9 VAC 5-80-430 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-500 , shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
 - e. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-430 shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-430 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
- (9 VAC 5-80-430 B, C and F, 9 VAC 5-80-490 D and 9 VAC 5-80-530 B)

C. Recordkeeping and Reporting

86. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.

f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-490 F)

87. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-490 F)

88. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-430 G and shall include:

a. The time period included in the report. The time periods to be addressed are January 1 to June 30 inclusive and July 1 to December 31 inclusive.

b. All deviations from permit requirements. For purposes of this permit, a deviation includes, but is not limited to:

(i) Exceedance of emissions limitations or operational restrictions,

(ii) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(iii) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period." The time period included in the report.

(9 VAC 5-80-490 F)

D. Annual Compliance Certification

89. Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to § 114(a)(3) and § 504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with VAC 5-80-430 G, and shall include:

a. The time period included in the certification. The time period to be addressed is January 1 to December 31.

b. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.

c. The identification of each term or condition of the permit that is the basis of the certification.

d. Consistent with subsection 9 VAC 5-80-490 E, the method or methods used for determining the compliance status of the source at the time of certification and over the certification period.

- e. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
- f. The status of compliance with the terms and conditions of this permit for the certification period.
- g. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-490 K.5)

E. Permit Deviation Reporting

90. The permittee shall notify the Director, Tidewater Regional Office within four daytime business hours, after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition IX.C.3. of this permit.

(9 VAC 5-80-490 F.2)

F. Failure/Malfunction Reporting

91. In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after discovery, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14-days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.

(9 VAC 5-20-180 C)

G. Severability

92. The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-490 G.1)

H. Duty to Comply

93. The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
(9 VAC 5-80-490 G.2)

I. Need to Halt or Reduce Activity not a Defense

94. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-490 G.3)

J. Permit Modification

95. A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-490 G and L)(9 VAC 5-80-550 and 9 VAC 5-80-660)

K. Property Rights

96. The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-490 G.5)

L. Duty to Submit Information

97. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.
(9 VAC 5-80-490 G.6)
98. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-430 G.9.
(9 VAC 5-80-490 K.1)

M. Duty to Pay Permit Fees

99. The owner of any source for which a permit under 9 VAC 5-80-360 through 9 VAC 5-80-700 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 et seq. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-490 H)

N. Fugitive Dust Emission Standards

100. During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
 - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
 - e. The prompt removal of spilled or traced dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-20 E, 9 VAC 5-50-90, and 9 VAC 5-50-50)

O. Startup, Shutdown, and Malfunction

101. At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-40-20 E, and 9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

102. Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-500 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 3.

(9 VAC 5-80-490 J)

Q. Inspection and Entry Requirements

103. The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

- c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
- d. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-490 K.2)

R. Reopening For Cause

104. The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-430 F.
- a. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - b. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
 - c. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-490 D.

(9 VAC 5-80-490 L)

S. Permit Availability

105. Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-510 G)

T. Transfer of Permits

106. No person shall transfer a permit from one location to another or from one piece of equipment to another.

(9 VAC 5-80-520)

107. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-560.

(9 VAC 5-80-520)

108. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-560.

(9 VAC 5-80-520)

U. Malfunction as an Affirmative Defense

109. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

110. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
- a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-490 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
111. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.
112. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-650)

V. Permit Revocation or Termination for Cause

113. A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 3. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-490 G & L, 9 VAC 5-80-640 and 9 VAC 5-80-660)

W. Duty to Supplement or Correct Application

114. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submits such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-430 E)

X. Stratospheric Ozone Protection

115. If the permittee handles or emits one or more Class I or II substance subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A - F)

Y. Asbestos Requirements

116. The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-490 A)

Z. Accidental Release Prevention

117. If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-490 I)

BB. Emissions Trading

118. Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9 VAC 5-80-490 except subsection N shall be included to determine compliance.
 - b. The permit shield described in 9 VAC 5-80-500 shall extend to all terms and conditions that allow such increases and decreases in emissions.
 - c. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-360 through 9 VAC 5-80-700.
- (9 VAC 5-80-490 I)

IX. Title IV (Phase II Acid Rain) Permit Allowances and Requirements

A. Statutory and Regulatory Authorities

In accordance with the Air Pollution Control Law of Virginia §10.1-1308 and §10.1-1322, the Environmental Protection Agency (EPA) Final Full Approval of the Operating Permits Program (Titles IV and V) published in the Federal Register December 4, 2001, Volume 66, Number 233, Rules and Regulations, Pages 62961-62967 and effective November 30, 2001, and Title 40, the Code of Federal Regulations §§72.1 through 76.16, the Commonwealth of Virginia Department of Environmental Quality issues this permit pursuant to 9 VAC 5 Chapter 80, Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution (Federal Operating Permit Article 3).

(9 VAC 5-80-490 B.2)

B. SO₂ Allowance Allocations and NO_x Requirements for affected units

(9 VAC 5-80-490 A.4)

		2008	2009	2010	2011	2012
	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	2117 Tons/yr	2117 Tons/yr	764 Tons/yr	764 Tons/yr	764 Tons/yr
Unit 1	NO _x limit	<p>Pursuant to 40 CFR Part 76, the Commonwealth of Virginia Department of Environmental Quality approves a standard NO_x compliance plan for Unit 1, effective for calendar year 2008 through calendar year 2012. Under the NO_x compliance plan, this unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(1), of 0.40 lb./mmBtu of heat input for tangentially fired boilers.</p> <p>If the Virginia Power and Electric Company submits an averaging plan in accordance with 40 CFR Part 76 (76.11(b)(1)) and the DEQ approves the plan, then the permittee shall not exceed the annual average NO_x emission rate specified in the averaging plan for those units specified in the averaging plan. The approved averaging plan emission rate will replace the applicable emission limitation listed in 40 CFR 76.6 or 76.7. If a plan is approved and then later rescinded by the DEQ, then the unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(1), of 0.40 lb/mmBtu of heat input for tangentially fired boilers.</p> <p>In addition to the described compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>				

		2008	2009	2010	2011	2012
	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	2210 Tons/yr	2210 Tons/yr	1000 Tons/yr	1000 Tons/yr	1000 Tons/yr
Unit 2	NO _x limit	<p>Pursuant to 40 CFR Part 76, the Commonwealth of Virginia Department of Environmental Quality approves a standard NO_x compliance plan for Unit 2, effective for calendar year 2008 through calendar year 2012. Under the NO_x compliance plan, this unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(1), of 0.40 lb./mmBtu of heat input for tangentially fired boilers.</p> <p>If the Virginia Power and Electric Company submits an averaging plan in accordance with 40 CFR Part 76 (76.11(b)(1)) and the DEQ approves the plan, then the permittee shall not exceed the annual average NO_x emission rate specified in the averaging plan for those units specified in the averaging plan. The approved averaging plan emission rate will replace the applicable emission limitation listed in 40 CFR 76.6 or 76.7. If a plan is approved and then later rescinded by the DEQ, then the unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(1), of 0.40 lb/mmBtu of heat input for tangentially fired boilers.</p> <p>In addition to the described compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>				

		2008	2009	2010	2011	2012
	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	4559 Tons/yr	4559 Tons/yr	4567 Tons/yr	4567 Tons/yr	4567 Tons/yr
Unit 3	NO _x limit	<p>Pursuant to 40 CFR Part 76, the Commonwealth of Virginia Department of Environmental Quality approves a standard NO_x compliance plan for Unit 3, effective for calendar year 2008 through calendar year 2012. Under the NO_x compliance plan, this unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(2), of 0.46 lb./mmBtu of heat input for dry bottom wall-fired boilers not applying cell burner technology.</p> <p>If the Virginia Power and Electric Company submits an averaging plan in accordance with 40 CFR Part 76 (76.11(b)(1)) and the DEQ approves the plan, then the permittee shall not exceed the annual average NO_x emission rate specified in the averaging plan for those units specified in the averaging plan. The approved averaging plan emission rate will replace the applicable emission limitation listed in 40 CFR 76.6 or 76.7. If a plan is approved and then later rescinded by the DEQ, then the unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(2), of 0.46 lb./mmBtu of heat input for dry bottom wall-fired boilers not applying cell burner technology.</p> <p>In addition to the described compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>				

		2008	2009	2010	2011	2012
	SO ₂ allowances, under Table 2, 40 CFR Part 73. (tons)	5870 Tons/yr	5870 Tons/yr	5861 Tons/yr	5861 Tons/yr	5861 Tons/yr
Unit 4	NO _x limit	<p>Pursuant to 40 CFR Part 76, the Commonwealth of Virginia Department of Environmental Quality approves a standard NO_x compliance plan for Unit 4, effective for calendar year 2008 through calendar year 2012. Under the NO_x compliance plan, this unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(1), of 0.40 lb./mmBtu of heat input for tangentially fired boilers.</p> <p>If the Virginia Power and Electric Company submits an averaging plan in accordance with 40 CFR Part 76 (76.11(b)(1)) and the DEQ approves the plan, then the permittee shall not exceed the annual average NO_x emission rate specified in the averaging plan for those units specified in the averaging plan. The approved averaging plan emission rate will replace the applicable emission limitation listed in 40 CFR 76.6 or 76.7. If a plan is approved and then later rescinded by the DEQ, then the unit's annual average NO_x emission rate for each year, determined in accordance with 40 CFR Part 75, shall not exceed the applicable emission limitation under 40 CFR 76.7(a)(1), of 0.40 lb/mmBtu of heat input for tangentially fired boilers.</p> <p>In addition to the described compliance plan, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.</p>				

C. Additional Requirements, Notes, Comments, and Justifications.

119. Additional Requirements:

- a. Virginia Power and Electric Company shall submit a complete permit application that includes all of the information required under 40 CFR §72.21 and 72.3 and includes a complete NO_x compliance plan in accordance with 40 CFR §76.9(c) at least 6 months, but no earlier than 18 months, prior to the date of expiration of the existing Phase II Acid Rain permit. EPA forms shall be used.
(9 VAC 5-80-430 C.5)

120. Notes.

- a. SO₂ allowances may be acquired from other sources in addition to those allocated by U.S. EPA. No revision to this permit is necessary in order for the owners and operators of a unit to hold additional allowances recorded in accordance with 40 CFR Part 73. The owners and operators of a unit remain obligated to hold sufficient allowances to account for SO₂ emissions from the unit in accordance with 40 CFR 72.9(c)(1).
(9 VAC 5-80-420 C.1 and H.1 and 9 VAC 5-80-490 O)

X. NO_x Budget Trading Program Requirements

A. NO_x Budget Permit General Conditions

121. A review of the air emission units included in this permit approval has determined that the equipment listed in the following table meets the definition of a NO_x Budget Unit and falls subject to the NO_x Budget emission limitations under 9 VAC 5-140-40 or for opt-in sources 9 VAC 5-140-800. As required by 9 VAC 5-140-200 A, each NO_x Budget source is required to have a federally enforceable permit. This section of the document represents the NO_x Budget permit.
(9 VAC 5-140-40) or (9 VAC 5-140-800)
122. The NO_x Budget permit will be administrated by the VADEQ under the authority of 9 VAC 5-80-360 et seq., and 9 VAC 5-140-10 et seq.
(9 VAC 5-140-200 A)
123. The following air emission unit(s) have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shutdown can be included in the NO_x Budget Trading program as “opt-in” air emission sources.
(9 VAC 5-140-40 A) for Opt-In sources (9 VAC 5-140-800).

Table X – 1 Facility NO_x Budget Units				
Facility Unit ID	Unit NATS Code	Unit Name and description	Maximum Heat Capacity (MMBtu/hr)	Maximum Generation Capacity (megawatts)
1	003803000001	Chesapeake Energy Center – Unit 1	1300 (nominal)	130 (nominal)
2	003803000002	Chesapeake Energy Center – Unit 2	1300 (nominal)	130 (nominal)
3	003803000003	Chesapeake Energy Center – Unit 3	1663 (nominal)	181 (nominal)
4	0038030000041	Chesapeake Energy Center – Unit 4	2346 (nominal)	255 (nominal)

B. Standard Requirements

124. Continuous Monitoring requirements.

- a. The owners and operators and, to the extent applicable, the NO_x authorized account representative of each NO_x Budget source and each NO_x Budget unit at the source shall comply with the monitoring requirements of 9 VAC 5-140-700 et seq.
- b. The emissions measurements recorded and reported in accordance with (9 VAC 5-140-700 et seq.) (subparts H of 40 CFR 75 and 40 CFR 97) shall be used to determine compliance by the unit with the NO_x Budget emissions limitation under Conditions X.B.2.a. through X.B.2.h. The following approved methods will be used to calculate NO_x Control Period and Annual emission rates:

Table X - 2

Pollutant or Stack Parameters	CEM Monitoring Methods
	40 CFR 75
NO _x Concentration	75.12
CO ₂ /Diluent Gas	75.10(a)(2)
Stack Gas Velocity/Flow	75.11
Moisture	75.12(b)

(9 VAC 5-140-60 B.2)

125. Nitrogen oxides requirements.

- a. The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the control period from the unit, as determined in accordance with Article 8 (9 VAC 5-140-700 et seq.), plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status, of a NO_x Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.
(9 VAC 5-140-60 C.1)
- b. Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of the Clean Air Act, and applicable Virginia Air Pollution Control law.
(9 VAC 5-140-60 C.2)
- c. A NO_x Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on the later of May 31, 2004.
(9 VAC 5-140-60 C.3)
- d. NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with 9 VAC 5-140-400 et seq., 9 VAC 5-140-500 et seq., 9 VAC 5-140-600 et seq., and 9 VAC 5-140-800 et seq..
(9 VAC 5-140-60 C.4)
- e. A NO_x allowance shall not be deducted, in order to comply with the requirements under 9 VAC 5-140-60 C.1 for a control period in a year prior to the year for which the NO_x allowance was allocated.
(9 VAC 5-140-60 C.5)
- f. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.
(9 VAC 5-140-60 C.6)
- g. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program does not constitute a property right.
(9 VAC 5-140-60 C.7)
- h. Upon recordation by the administrator under 9 VAC 5-140-500 et seq., 9 VAC 5-140-600 et seq., or 9 VAC 5-140-800 et seq., every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO_x Budget permit of the NO_x Budget unit by operation of law without any further review.
(9 VAC 5-140-60 C.8)

126. Excess emissions requirements.

- a. The owners and operators of a NO_x Budget unit that has excess emissions in any control period shall:
 - (i) Surrender the NO_x allowances required for deduction under 9 VAC 5-140-540 D 1; and
 - (ii) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D 3.

(9 VAC 5-140-60 D)

C. Recordkeeping and Reporting Requirements.

The following requirements concerning recordkeeping and reporting shall apply:

127. Unless otherwise provided, the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source shall have accessible each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.

(9 VAC 5-140-60 E.1)

- a. The account certificate of representation for the NO_x authorized account representative and each NO_x Budget unit for the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be accessible beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO_x authorized account representative.
(9 VAC 5-140-60 E.1)
- b. All emissions monitoring information, in accordance with 9 VAC 5-140-700 et seq. of this part; provided that to the extent that 9 VAC 5-140-700 et seq. provides for a three-year period for recordkeeping, the three-year period shall apply.
(9 VAC 5-140-60 E.1)
- c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Budget Trading Program.
(9 VAC 5-140-60 E.1)
- d. Copies of all documents used to complete a NO_x Budget permit application and any other submission under the NO_x Budget Trading Program or to demonstrate compliance with the requirements of the NO_x Budget Trading Program.
(9 VAC 5-140-60 E.1)

128. The NO_x authorized account representative of a NO_x Budget source and each NO_x Budget unit at the source shall submit the reports and compliance certifications required under the NO_x Budget Trading Program, including those under 9 VAC 5-140-300 et seq., 9 VAC 5-140-700 et seq., or 9 VAC 5-140-800 et seq.
(9 VAC 5-140-60 E.2)

D. Emission Testing

129. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-140-710)
130. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use test methods approved by DEQ.
(9 VAC 5-140-700 to 710)

E. Liability

131. Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.
(9 VAC 5-140-60 F.1)
132. Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.
(9 VAC 5-140-60 F.2)
133. No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.
(9 VAC 5-140-60 F.3)
134. Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.
(9 VAC 5-140-60 F.4)
135. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source or the NO_x authorized account representative of a NO_x Budget source shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.
(9 VAC 5-140-60 F.5)
136. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit or the NO_x authorized account representative of a NO_x budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Article 8 (9 VAC 5-140-700 et seq.), the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall not be liable for any violation by any other NO_x Budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.
(9 VAC 5-140-60 F.6)

F. Effect on Other Authorities.

137. No provision of the NO_x Budget Trading Program, a NO_x Budget permit application, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NO_x Budget source or NO_x Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.
(9 VAC 5-140-60 G)

XI. Clean Air Interstate Rule (CAIR) Permit

138. The permittee shall comply with all applicable CAIR requirements (9 VAC 5-140-1010 *et seq.*, 9 VAC 5-140-2010 *et seq.*, 9 VAC 5-140-3010 *et seq.*, and 40 CFR Part 96) by the compliance date in the respective Part of 9 VAC 5 Chapter 140, as contained in the CAIR Permit. The CAIR Permit is Attachment A to this document and expires upon expiration of this Title V Permit.
(9 VAC 5-80-490, 40 CFR Part 96 and 9 VAC 5 Chapter 140)

XII. State-Only Enforceable Requirements

139. The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-690 concerning review of proposed permits by EPA and draft permits by affected states.
- a. Odor (9 VAC 5 Chapter 40, Article 2)
 - b. State toxics rule (9 VAC 5 Chapter 60)
- (9 VAC 5-80-490 N and 9 VAC 5-80-700)

Appendix A

CAIR Application

CAIR Permit Application

(for sources covered under a CAIR SIP)

Page 1

For more information, refer to 40 CFR 96.121, 96.122, 96.221, 96.222, 96.321, and 96.322

This submission is: ☒ New ☐ Revised

STEP 1
Identify the source by plant name, State, and ORIS or facility code

Plant Name	Dominion – Chesapeake Energy Center	State	VA	ORIS/Facility Code	3803
------------	--	-------	-----------	--------------------	-------------

STEP 2
Enter the unit ID# for each CAIR unit and indicate to which CAIR programs each unit is subject (by placing an "X" in the column)

Unit ID#	NO _x Annual	SO ₂	NO _x Ozone Season
1	X	X	X
2	X	X	X
3	X	X	X
4	X	X	X



STEP 3
Read the standard requirements and the certification, enter the name of the CAIR designated representative, and sign and date

Standard Requirements

(a) Permit Requirements.

(1) The CAIR designated representative of each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) required to have a title V operating permit and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) required to have a title V operating permit at the source shall:

(i) Submit to the permitting authority a complete CAIR permit application under §96.122, §96.222, and §96.322 (as applicable) in accordance with the deadlines specified in §96.121, §96.221, and §96.321 (as applicable); and

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) required to have a title V operating permit and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) required to have a title V operating permit at the source shall have a CAIR permit issued by the permitting authority under subpart CC, CCC, and CCCC (as applicable) of 40 CFR part 96 for the source and operate the source and the unit in compliance with such CAIR permit.

(3) Except as provided in subpart II, III, and IIII (as applicable) of 40 CFR part 96, the owners and operators of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) that is not otherwise required to have a title V operating permit and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) that is not otherwise required to have a title V operating permit are not required to submit a CAIR permit application, and to have a CAIR permit, under subpart CC, CCC, and CCCC (as applicable) of 40 CFR part 96 for such CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and such CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable).

Plant Name (from Step 1) **Dominion – Chesapeake Energy Center**

**STEP 3,
continued**

(b) Monitoring, reporting, and recordkeeping requirements.

(1) The owners and operators, and the CAIR designated representative, of each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

(2) The emissions measurements recorded and reported in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 shall be used to determine compliance by each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) with the CAIR NO_x emissions limitation, CAIR SO₂ emissions limitation, and CAIR NO_x Ozone Season emissions limitation (as applicable) under paragraph (c) of §96.106, §96.206, and §96.306 (as applicable).

(c) Nitrogen oxides emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x source and each CAIR NO_x unit at the source shall hold, in the source's compliance account, CAIR NO_x allowances available for compliance deductions for the control period under §96.154(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_x units at the source, as determined in accordance with subpart HH of 40 CFR part 96.

(2) A CAIR NO_x unit shall be subject to the requirements under paragraph (c)(1) of §96.106 for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.170(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR NO_x allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.106, for a control period in a calendar year before the year for which the CAIR NO_x allowance was allocated.

(4) CAIR NO_x allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Allowance Tracking System accounts in accordance with subparts FF, GG, and II of 40 CFR part 96.

(5) A CAIR NO_x allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Annual Trading Program. No provision of the CAIR NO_x Annual Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.105 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR NO_x allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EE, FF, GG, or II of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO_x allowance to or from a CAIR NO_x source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR NO_x unit.

Sulfur dioxide emission requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR SO₂ source and each CAIR SO₂ unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO₂ allowances available for compliance deductions for the control period under §96.254(a) and (b) not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO₂ units at the source, as determined in accordance with subpart HHH of 40 CFR part 96.

(2) A CAIR SO₂ unit shall be subject to the requirements under paragraph (c)(1) of §96.206 for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under §96.270(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR SO₂ allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.206, for a control period in a calendar year before the year for which the CAIR SO₂ allowance was allocated.

(4) CAIR SO₂ allowances shall be held in, deducted from, or transferred into or among CAIR SO₂ Allowance Tracking System accounts in accordance with subparts FFF, GGG, and III of 40 CFR part 96.

(5) A CAIR SO₂ allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO₂ Trading Program. No provision of the CAIR SO₂ Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.205 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR SO₂ allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart FFF, GGG, or III of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from a CAIR SO₂ source's compliance account is incorporated automatically in any CAIR permit of the source that includes the CAIR SO₂ unit.

Nitrogen oxides ozone season emissions requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO_x Ozone Season allowances available for compliance deductions for the control period under §96.354(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_x Ozone Season units at the source, as determined in accordance with subpart HHHH of 40 CFR part 96.

(2) A CAIR NO_x Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of §96.306 for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under §96.370(b)(1), (2), (3) or (7) and for each control period thereafter.

(3) A CAIR NO_x Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of §96.306, for a control period in a calendar year before the year for which the CAIR NO_x Ozone Season allowance was allocated.

(4) CAIR NO_x Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Ozone Season Allowance Tracking System accounts in accordance with subparts FFFF, GGGG, and IIII of 40 CFR part 96.

(5) A CAIR NO_x allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Ozone Season Trading Program. No provision of the CAIR NO_x Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under §96.305 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

(6) A CAIR NO_x allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subpart EEEE, FFFF, GGGG, or IIII of 40 CFR part 96, every allocation, transfer, or deduction of a CAIR NO_x Ozone Season allowance to or from a CAIR NO_x Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

Plant Name (from Step 1) **Dominion – Chesapeake Energy Center**

**STEP 3,
continued**

(d) Excess emissions requirements.

If a CAIR NO_x source emits nitrogen oxides during any control period in excess of the CAIR NO_x emissions limitation, then:

(1) The owners and operators of the source and each CAIR NO_x unit at the source shall surrender the CAIR NO_x allowances required for deduction under §96.154(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR SO₂ source emits sulfur dioxide during any control period in excess of the CAIR SO₂ emissions limitation, then:

(1) The owners and operators of the source and each CAIR SO₂ unit at the source shall surrender the CAIR SO₂ allowances required for deduction under §96.254(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

If a CAIR NO_x Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO_x Ozone Season emissions limitation, then:

(1) The owners and operators of the source and each CAIR NO_x Ozone Season unit at the source shall surrender the CAIR NO_x Ozone Season allowances required for deduction under §96.354(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart, the Clean Air Act, and applicable State law.

(e) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the permitting authority or the Administrator.

(i) The certificate of representation under §96.113, §96.213, and §96.313 (as applicable) for the CAIR designated representative for the source and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under §96.113, §96.213, and §96.313 (as applicable) changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96, provided that to the extent that subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96 provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable).

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) or to demonstrate compliance with the requirements of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable).

(2) The CAIR designated representative of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) at the source shall submit the reports required under the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) including those under subparts HH, HHH, and HHHH (as applicable) of 40 CFR part 96.

(f) Liability.

(1) Each CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) and each NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) shall meet the requirements of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable).

(2) Any provision of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) that applies to a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) or the CAIR designated representative of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) shall also apply to the owners and operators of such source and of the CAIR NO_x units, CAIR SO₂ units, and CAIR NO_x Ozone Season units (as applicable) at the source.

(3) Any provision of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable) that applies to a CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) or the CAIR designated representative of a CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) shall also apply to the owners and operators of such unit.

Plant Name (from Step 1) **Dominion – Chesapeake Energy Center**

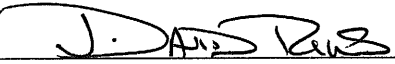
**STEP 3,
continued**

(g) Effect on Other Authorities.

No provision of the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, and CAIR NO_x Ozone Season Trading Program (as applicable), a CAIR permit application, a CAIR permit, or an exemption under § 96.105, §96.205, and §96.305 (as applicable) shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO_x source, CAIR SO₂ source, and CAIR NO_x Ozone Season source (as applicable) or CAIR NO_x unit, CAIR SO₂ unit, and CAIR NO_x Ozone Season unit (as applicable) from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

Certification

I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name J. David Rives	
Signature 	Date June 24, 2007